

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TAIJEEM GIBSON,
Plaintiff

v.

SCI COAL TOWNSHIP MEDICAL
DEPARTMENT, et al.,
Defendants

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No. 1:22-cv-00618

(Judge Kane)

ORDER

AND NOW, on this 6th day of March 2023, upon consideration of Defendants' motion to partially dismiss the complaint (Doc. No. 10), and in accordance with the accompanying Memorandum, **IT IS ORDERED THAT:**

1. Defendants' motion to partially dismiss the complaint (Doc. No. 10) is **GRANTED** in part and **DENIED** in part as follows:
 - a. Defendants' motion (Doc. No. 10) is **GRANTED** as to Defendants' arguments concerning Defendant Medical Department at State Correctional Institution Coal Township ("Medical Department"), and Defendant Medical Department is **DISMISSED** from this action;
 - b. Defendants' motion (Doc. No. 10) is **GRANTED** as to Defendants' arguments concerning pro se Plaintiff Taijeem Gibson ("Plaintiff")'s Fourteenth Amendment claims, and Plaintiff's Fourteenth Amendment claims are **DISMISSED WITH PREJUDICE** from this action;
 - c. Defendants' motion (Doc. No. 10) is **GRANTED** as to Defendants' arguments concerning Plaintiff's claims for monetary damages under Article I, Sections 13, 25, and 26 of the Pennsylvania Constitution, and Plaintiff's claims for monetary damages under Article I, Sections 13, 25, and 26 of the Pennsylvania Constitution are **DISMISSED WITH PREJUDICE**;
 - d. Defendants' motion (Doc. No. 10) is **GRANTED** as to Defendants' arguments concerning Plaintiff's claims for injunctive relief under Article I, Sections 25 and 26 of the Pennsylvania Constitution, and Plaintiff's claims for injunctive relief under Article I, Sections 25 and 26 of the Pennsylvania Constitution are **DISMISSED WITH PREJUDICE**;

- e. Defendants' motion (Doc. No. 10) is **DENIED** as to Defendants' arguments concerning the alleged lack of personal involvement of Thomas McGinley ("McGinley"), Lynette Rich ("Rich"), and Blanche Milo ("Milo") regarding Plaintiff's Eighth Amendment claims of inadequate medical care;
 - f. Defendants' motion (Doc. No. 10) is **DENIED** as to Defendants' arguments concerning Plaintiff's claims for injunctive relief under Article I, Section 13 of the Pennsylvania Constitution;
- 2. This action shall proceed against Defendants McGinley, Rich, Milo, and Toms on Plaintiff's Eighth Amendment claims of inadequate medical care and on Plaintiff's claims for injunctive relief under Article I, Section 13 of the Pennsylvania Constitution; and
 - 3. Defendants McGinley, Rich, Milo, and Toms shall file an answer to the complaint within **twenty-one (21) days** of the date of this Order.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania